

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL TRUJILLO,
Plaintiff,

VS.

**CAROLYN W. COLVIN,
Acting Commissioner of the
Social Security Administration,
Defendant.**


CIV No. 13-903 KBM

ORDER

Before the Court is the parties' Agreed Motion to Reverse and Remand (Doc. #21) to the Commissioner for further administrative proceedings before an Administrative Law Judge. Upon examination of the merits, it is hereby ORDERED, ADJUDGED AND DECREED that this case is reversed and remanded to the Defendant for further administrative action pursuant to sentence four (4) of § 205(g) of the Social Security Act, 42 U.S.C. § 405(g). *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

Upon remand, the ALJ will issue a de novo decision. The ALJ shall properly consider Plaintiff's age throughout the relevant period. Plaintiff attained advanced age (age 55) in May 2011; therefore, medical-vocational rule 202.14 for a person closely approaching advanced age would no longer apply to Plaintiff. In considering Plaintiff's age and its effect on the medical-vocational rules, the ALJ will not mechanically apply the age categories. Rather, the ALJ should consider Plaintiff's borderline age and determine if Plaintiff was disabled at any time earlier his attainment of age 55.

THUS DONE AND SIGNED on this 20th day of May, 2014.


KAREN B. MOLZEN
Chief United States Magistrate Judge